United Nations S/AC.49/2018/4

Security Council

Distr.: General
11 January 2018

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 9 January 2018 from the Permanent Mission of Denmark to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Denmark to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit a report on the concrete measures taken by the Government of Denmark to implement the provisions of Security Council resolution 2375 (2017), in accordance with paragraph 19 of that resolution (see annex).

18-00642 (E) 090218

Please recycle

Annex to the note verbale dated 9 January 2018 from the Permanent Mission of Denmark to the United Nations addressed to the Chair of the Committee

Report of Denmark on the implementation of Security Council resolution 2375 (2017)

Denmark and the other States members of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council in its resolution 2375 (2017), by taking the following common measures:[1]

- Council Implementing Decision (CFSP) 2017/1573 of 15 September 2017 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, which implements the designation of additional persons and entities (travel ban and asset freeze).
- Council Implementing Regulation (EU) 2017/1568 of 15 September 2017 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to Council Implementing Decision (CFSP) 2017/1573.
- Council Decision (CFSP) 2017/1838 of 10 October 2017 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, which sets out the commitment of the European Union to implementing the measures contained in Security Council resolution 2375 (2017), namely:
  - Trade ban on weapons of mass destruction-related dual-use items adopted by the Committee pursuant to paragraph 4 of resolution 2375 (2017)
  - Trade ban on conventional arms-related items adopted by the Committee pursuant to paragraph 5 of resolution 2375 (2017)
  - Prohibition on entering into member States' ports for vessels designated by the Committee pursuant to paragraph 6 of resolution 2375 (2017)
  - Obligation of member States to inspect vessels with the consent of the flag State, on the high seas, if they have information that provides reasonable grounds to believe that the cargo of such vessels contains items the supply, sale, transfer or export of which is prohibited by the relevant Security Council resolutions
  - Obligation of member States that are flag States and do not consent to inspection of a vessel on the high seas to direct the vessel to proceed to an appropriate and convenient port for the required inspection
  - Deregistration of vessels designated by the Committee pursuant to paragraph 8 of resolution 2375 (2017)
  - Obligation of member States to submit a report to the Committee when a flag State does not cooperate with inspections
  - Prohibition on facilitating or engaging in ship-to-ship transfers to or from the Democratic People's Republic of Korea

[1] All common measures are published in the *Official Journal of the European Union*.

- Prohibition on exporting condensates and natural gas liquids to the Democratic People's Republic of Korea
- Prohibition on exporting an amount of crude oil that is in excess of the amount that the member State exported in the period of 12 months prior to 11 September 2017. The Committee can grant exemptions on a case-by-case basis under certain conditions
- Prohibition on exporting refined petroleum products to the Democratic People's Republic of Korea. The prohibition does not apply if the conditions mentioned in paragraph 14 of resolution 2375 (2017) are met
- Prohibition on importing textiles from the Democratic People's Republic of Korea. The prohibition does not apply if the conditions mentioned in paragraph 16 of resolution 2375 (2017) are met. The Committee can grant exemptions on a case-by-case basis
- Prohibition on providing work authorizations for nationals of the Democratic People's Republic of Korea in the jurisdiction of member States in connection with admission to their territories. The Committee can grant exemptions on a case-by-case basis under certain conditions
- Prohibition on opening, maintaining and operating joint ventures unless approved by the Committee on a case-by-case basis, and the obligation to close existing joint ventures
- Obligation to seize and dispose of items the export of which is prohibited by resolution 2375 (2017).

• Council Regulation (EU) 2017/1836 of 10 October 2017 amending Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to the measures provided by Council Decision (CFSP) 2017/1838.

In addition, the competent Danish authorities will apply the following national legislation in implementing the restrictive measures against the Democratic People's Republic of Korea concerning arms and related material:

• In accordance with section 7 a (1) and (4) of the Danish Weapons Act No. 1005 of 2012, with subsequent amendments, the government order on transportation of weapons, etc., between countries other than Denmark has been issued, establishing a prohibition on the transport of weapons etc., to and from specific countries. According to section 1 of the order, it is prohibited to transport weapons of any kind and defence-related material etc., between countries other than Denmark when the recipient country is listed in the order. The list includes all countries that are under a United Nations, European Union or Organization for Security and Cooperation in Europe arms embargo. According to section 2 of the order, it is prohibited to transport weapons of any kind and defence-related material, etc., between countries other than Denmark when the exporting country is listed in the order. The list includes all countries that are under a United Nations, European Union or Organization for Security and Cooperation in Europe arms embargo specifically prohibiting, e.g., transport of weapons from that country, etc.;

• According to section 7 b (1) of the Danish Weapons Act, it is likewise prohibited, without a specific licence from the Minister of Justice, for a broker to negotiate or arrange transactions that involve the transfer of weapons, etc., as defined in section 6, between countries outside the European Union. Furthermore, it is prohibited to buy or sell weapons, etc., as defined in section 6, as part of a transfer between countries outside the European Union, or for the owner of the

weapons, etc., to arrange such transfer. According to section 7 b (2), the prohibition does not apply to acts performed in another State member of the European Union or to acts performed outside the European Union by persons with permanent residence outside Denmark.

- According to section 6 of the Danish Weapons Act, it is prohibited to export weapons of any kind and defence-related material, etc., without a specific licence. Section 6 applies to any situation in which items are transferred from Denmark to a third country, no matter whether the transfer takes place in relation to export, transit, trans-shipment or re-export. Export licences will not be issued to countries in violation of Security Council resolutions 1718 (2006), 1874 (2009) and 2270 (2016).

- Violations of the above-mentioned rules are criminal offences punishable by fine or imprisonment; see Danish Weapons Act, section 10, and, under aggravating circumstances, section 192 (a) of the Danish Criminal Code.

Furthermore, the competent Danish authorities are currently revising the Danish Merchant Shipping Act No. 75 of 2014, with subsequent amendments, in order to fully implement the restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council in its resolutions concerning registration and deregistration of vessels.

The above-mentioned Council Regulations are binding in their entirety and directly applicable in all States members of the European Union. Council Regulation (EU) 2017/1509 requires member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Denmark are set out in the following legislation:

- The Danish Criminal Code No. 977 of 2017, with subsequent amendments. According to section 110 c (2) of the Criminal Code, a fine or imprisonment for a term not exceeding four months, or in particularly aggravating circumstances imprisonment for a term not exceeding four years, is imposed on any person who fails to comply with provisions or prohibitions stipulated by law to perform the obligations incumbent on the State as a Member of the United Nations. An equivalent provision exists concerning the contravention of European Union sanctions (sect. 110 c (3)). Where the contravention is committed through negligence, the penalty is a fine or imprisonment for a term not exceeding two years (sect. 110 c (4)).

- The Danish Anti-Money Laundering Act No. 651 of 2017, with subsequent amendments, under which the Danish Financial Supervisory Authority may order undertakings or persons to take the necessary compliance measures, within the time limit specified by the Authority, in the event of violations of European Union regulations regarding financial sanctions against countries, persons, groups, legal entities or bodies. A person or undertaking failing to comply with such an order, is punishable with a fine.

As regards restrictions on admission (visa ban), Denmark has the following national legislation, which, together with Council Decision (CFSP) 2016/849 and Regulation (EC) No. 539/2001, provides the basis for refusal of admission and denial of requests for a visa:

- The Danish Aliens Act No. 1117 of 2017, with subsequent amendments, under which the competent Danish authorities have the power to impose entry and transit restrictions on persons designated by the Security Council Committee established pursuant to Security Council resolution 1718 (2006). The necessary instructions will be issued immediately after the designation of such persons.